

April 30, 2004

Raymond Shadis
Staff Technical Advisor
New England Coalition
Post Office Box 98
Edgecomb, ME 04556

Dear Mr. Shadis:

The Nuclear Regulatory Commission (NRC) received a petition under Title 10 of the *Code of Federal Regulations* Section 2.206 from you on April 22, 2004, to request that the NRC halt all fuel movement at Vermont Yankee Nuclear Power Station (Vermont Yankee) until such time as Entergy Nuclear Operating Inc. (Entergy or the licensee) has rendered an accurate and NRC-verified account and location, disposition, and condition of all irradiated fuel, including fuel currently loaded in the reactor core. By teleconference on April 28, 2004, the NRC staff provided you with a brief description of the 2.206 process and your options for proceeding with this petition. During the call, the staff stated the next action would be a call or a meeting to discuss your petition with the Petition Review Board. You noted that a call would be preferable. As such, we have arranged a teleconference for May 5, 2004.

The staff noted that your petition asserts that damaged fuel may have been loaded during the current refueling outage (RFO). This issue was referred to Region I and on April 29, 2004, the Region discussed this issue with you. In this discussion, you indicated that you have no specific information from anyone that there is currently damaged fuel in the reactor. You expressed concern that since Entergy has lost control of spent fuel inventory and Vermont Yankee had leaking fuel in previous cycles that you have no confidence that Entergy did not put the leaking fuel or suspected leaking fuel assemblies back into the reactor during this RFO. Please note that all fuel movement at Vermont Yankee was completed for this RFO before receipt of your petition. Based on our calls with you, we have concluded that you identified no immediate safety concerns that would warrant stopping the restart of Vermont Yankee. Accordingly, we will address your concern through our 2.206 petition process. We look forward to the May 5, 2004, teleconference to discuss your petition. Should you have any questions, please contact Alan Wang of my staff at (301) 415-1445.

Sincerely,

/RA/

Eric J. Leeds, Deputy Director
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

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Eric J. Leeds, Deputy Director
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

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*See previous concurrence NRR-106

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NAME	MKotzalas for AWang:sp	THarris for CRaynor*	MKotzalas for DSkay	AHowe	ELeeds
DATE	4/30/04	4/30/04	4/30/04	4/30/04	4/30/04

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